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June 22, 2001

DOCKET FILE COPY ORIGINAL

VIA COURIER

Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Attn: Chief, Allocations Branch  
Stop Code: 1800D5

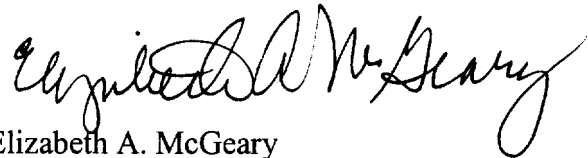
Re: Amendment of Section 73.202(b)  
Table of Allotments, FM Broadcast  
Stations (Auburn, Alabama)  
MM Docket No. 01-104  
RM-1013  
Withdrawal of Expression of Interest of Auburn Network, Inc.

Dear Sir or Madam:

On behalf of Cox Radio, Inc., we submit herewith an original and four copies of the attached Declaration of Richard A. Ferguson made pursuant to the requirements of Section 1.420(j)(5) of the Commission's Rules and in connection with the Withdrawal of Expression of Interest filed by Auburn Network, Inc. in the above-referenced rulemaking.

Should there be any questions regarding this matter, please contact me.

Very truly yours,

  
Elizabeth A. McGeary

Enclosure

No. of Copies rec'd  
List A B C D E

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of Application of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
(Auburn, Alabama) )

MM Docket No. 01-104  
RM-10103

**RECEIVED**  
**JUN 22 2001**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**DECLARATION OF RICHARD A. FERGUSON**

I, Richard A. Ferguson, hereby declare and say:

I am Vice President and Co-Chief Operating Officer of Cox Radio, Inc., the owner of Radio Stations WRLR(FM), Homewood, Alabama, and WODL(FM), Birmingham, Alabama.

Cox Radio, Inc. ("Cox") has filed a Counterproposal in response to the Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>1</sup> Cox's counterproposal is mutually exclusive with the changes to the FM Table of Allotments proposed in the *Notice*.

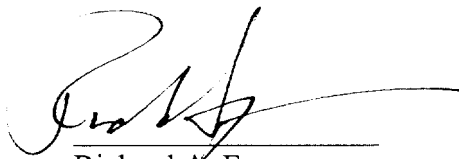
Auburn Network, Inc. ("Auburn"), the proponent of the allotment proposed in the *Notice*, has decided to withdraw its interest in the proposed allotment. In view of Auburn's desire to withdraw its interest and to expedite that withdrawal, Cox entered into an oral agreement with Auburn through its agent American Media Services, Inc, which required Auburn to withdraw its interest and Cox to pay \$25,000 to Auburn as reimbursement for the reasonable and prudent expenses that it has incurred in pursuing the allotment. On June 18, 2001, Cox paid Auburn \$25,000 pursuant to the terms of the agreement, and on that same date, Auburn filed with the Commission a request for approval of its withdrawal from the above-captioned proceeding.

No person or entity has paid or promised any consideration to Cox Radio in connection with Auburn's withdrawal. Cox has not in the past, nor will it in the future, make any additional payments to Auburn in connection with this matter. I am unaware of any payment to Auburn other than that described herein that in any way relates to Auburn's withdrawal of its interest in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2001.

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<sup>1</sup> In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast stations (Auburn, Alabama), *Notice of Proposed Rule Making*, DA 01-1093, MM Docket No. 01-104, RM-10103 (rel. April 27, 2001) ("*Notice*").



Richard A. Ferguson  
Vice President and Co-Chief Operating Officer  
Cox Radio, Inc.

June 21, 2001

## CERTIFICATE OF SERVICE

I, Sherene F. McDougall, hereby certify that a true and correct copy of the foregoing "Declaration of Richard A. Ferguson" was sent on this 22nd day of June, 2001, via first-class United States mail, postage pre-paid, to the following:

John A. Karousos\*  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Auburn Network, Inc.  
c/o Lee G. Petro, Esq.  
Gardner, Carton & Douglas  
1301 K Street, N.W.  
Suite 900, East Tower  
Washington, D.C. 20005-3317

Dale Broadcasting, Inc.  
P. O. Box 909  
Alexander City, AL 35051

Scott Communications, Inc.  
273 Persimmon Tree Road  
Selma, AL 36701

Williamson Broadcasting, Inc.  
702 East Battle Street, Suite A  
Talladega, AL 35161

Southeastern Broadcasting Co.  
P.O. Box 1820  
Clanton, AL 35045

Marengo Broadcast Associates  
5256 Valleybrook Trace  
Birmingham, AL 35244


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(*WNNX LICO, Inc.*)

\*denotes hand delivery

  
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Sherene F. McDougall